REMARKS

Claims 1-25 were pending. Claim 21 has been amended. Therefore claims 1-25 remain pending in the application subsequent entry of the present amendment.

35 U.S.C. § 101 Rejections

In the present Office Action, claims 21-25 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In the rejection it is stated that a computer accessible medium (disk) is an abstract idea. Applicant disagrees. A computer medium as recited is a physical entity and is not an abstract idea. Nevertheless, Applicant has amended claim 21 to recite the program instructions are executable by a processing device. Applicant requests withdrawal of the rejections.

35 U.S.C. § 102 Rejections

In the present Office Action, claims 1-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,951 (hereinafter "Campbell"). However, Applicant submits each of the pending claims recite features neither disclosed nor suggested by the cited art. Accordingly, Applicant traverses the above rejections and requests reconsideration.

Claim 1 recites a method for managing data in a distributed computing system that comprises:

> "receiving a <u>first module which identifies a plurality of modules</u> for use by an application;
> receiving additional data corresponding to said application, wherein said <u>additional data identifies fewer than all of said plurality of modules</u>

> and identifies an update to be made to one or more of said first
> module and said plurality of modules; and
>
> performing said update." (emphasis added).

As can be seen, claim 1 recites a "first module which identifies a plurality of modules". In the present Office Action, it is suggested that Campbell discloses these features of claim 1 in the following:

> "In use, a user inputs user identification data to the user terminal using a user input device. In response to the user identification data, the user processor scans the user memory for user modules in the modules folder. In response to locating a user module having a user origin date, the user processor scans a data port for a host terminal. In response to finding a host terminal, the user processor accesses the communications channel to connect with the host terminal." (Campbell, col. 6, lines 34-39)

However, in contrast to the claim, Campbell does not recite a "module" that identifies a plurality of "modules". First, Campbell merely states "user identification data" is used by the user processor to identify "a" single "user module". Here, there is no disclosure that the "user identification data" is a module or is equivalent to the recited module. For at least these reasons, the claim is patentably distinguishable from Campbell. Further, Campbell does not disclose a module which "identifies a plurality of modules." Rather, Campbell discloses:

> "User identification data may include the user's full name, the user's company name, the user's address, the user's phone number, the user's fax number, and the user's e-mail address." (Campbell, col. 13, lines 17-21)

In addition to the above, Applicant has found in Campbell the following:

> "If the user terminal and the host terminal were remotely located from one another, then the user terminal includes a user modem and the host terminal includes a host modem. After the user terminal has received

user identification data and has located a user module in the modules folder, the user processor scans for a user modem." (Campbell, col. 6, lines 65-67) (emphasis added)

"… a user activates the Joey 12 by inputting user identification data. In response to the user identification data, the Joey 12 scans the modules folder in the Joey's memory for a stored user module. Upon locating, responsive to scanning the modules folder, a first stored user module having a first user origin date, the Joey scans the Joey's data port for the Parent Kangaroo 13." (Campbell, col. 11, lines 5-12) (emphasis added)

Applicant has reviewed the cited reference and submits Campbell nowhere discloses the above recited features. For at least these reasons claim 1 is patently distinct from the cited art. Each of the remaining independent claims are patentably distinguishable for similar reasons.

Additionally, claim 1 recites:

"receiving additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules".

In the present Office Action, it is suggested that Campbell discloses these features of claim 1 in the following:

"In response to the user identification and user module data, the host processor sends, over the communications channel, a host origin date for a host module corresponding to the user module. Responsive to receiving the host origin date for the host module, the user processor compares the host origin date for the host module to the user origin date for the corresponding user module. In response to determining that the host origin date is more recent than the user origin date, the user processor identifies those host module blocks of information, within the host module, having origin dates more recent than corresponding user module blocks of information, within the user module, as updated blocks. The riser processor then downloads to the user memory the updated blocks. Alternatively, in a secondary embodiment, the network may be configured such that, in response to

> determining that the host origin date is more recent than the user origin
> date, the user processor downloads the host module and replaces the
> user module with the downloaded host module." (Campbell, col. 6,
> lines 46-64)

In Campbell, the user processor receives a host origin date. However, the host origin date dos not identify "fewer than all of said plurality of modules". The host origin date is data within a host module and it is compared to data in the user module, such as the user origin date. In Campbell, in the user terminal, which receives the host origin date, the user module is identified by the user identification data and not by the host origin date. The host origin date may not have the same value as the user origin date of any user module, much less of the user module identified by the user identification data. Therefore, the host origin date cannot be used to identify a user module. For at least these additional reasons, claim 1 is patently distinct from the cited art.

Furthermore, even if the host origin date were equivalent to "additional data that identifies fewer than all of said plurality of modules", which it is not, the host origin date does not identify "an update to be made to one or more of said first module and said plurality of modules". In Campbell, in order to identify "an update to be made", the "user processor compares the host origin date for the host module to the user origin date for the corresponding user module". The host origin date does not identify "an update to be made". Rather, the result of a comparison of the user origin date and the host origin date may identify "an update to be made".

Also, claim 1 recites "…additional data identifies… an update to be made to one or more of said first module and said plurality of modules". Campbell does not disclose an update of said first module "which identifies a plurality of modules". In Campbell, the user identification data identifies a user module. However, the user identification data is not updated by the host origin date nor by the host module. Additionally, in Campbell, the host module may be used to update a single user module, but the host module is not used to update a plurality of user modules as shown in the above disclosures. For at least these reasons, claim 1 is believed patently distinguishable from the cited reference.

As each of the independent claims 9, 17 and 21 include features similar to claim 1, claims 9, 17 and 21 are patentably distinguished from the cited reference for similar reasons. As each of the dependent claims include the features of the independent claims on which they depend, each of the dependent claims are patentably distinct for at least the above reasons.

In addition to the above, the dependent claims recite features not disclosed or suggested by the cited art. For example, the cited art does not disclose the features of claim 2, which recites:

> "wherein said first module comprises a main directory module which is pushed, and wherein said additional data comprises a <u>delta directory module which corresponds to said main directory module.</u>" (emphasis added).

In the present Office Action, it is suggested that Campbell discloses these features of claim 2 in the following:

> "After the user terminal has received user identification data and has located a user module in the modules folder, the user processor scans for a user modem. In response to finding a user modem with appropriate settings, the user processor accesses the communications channel to connect with the remotely-located host terminal. The remotely-located host terminal accepts the dialed connection through the host modem. The user module update procedure then continues in a manner equivalent to the user module update procedure followed with the local host." (Campbell, col. 7, lines 1-9)

Applicant has reviewed the above portion and the remainder of Campbell and finds no teaching or suggestion of a "delta directory module which corresponds to said main directory module". Accordingly, claim 2 is patentably distinct from Campbell for these additional reasons as well.

Still further, Campbell nowhere discloses the features of claim 4 wherein it recites:

> "wherein said delta directory <u>includes an identifier which indicates a version to which said main directory is updated</u> in response to performing said update identified by said delta directory."

In the present Office Action, it is suggested that Campbell discloses these features of claim 4 in the following:

> "In response to determining that the host origin date is more recent than the user origin date, the user processor identifies those host module blocks of information, within the host module, having origin dates more recent than corresponding user module blocks of information, within the user module, as updated blocks." (Campbell, col. 8, lines 11-18)

Applicant submits the cited portion, as with the remainder of the document, does not disclose or suggest "an identifier which indicates a version to which said main directory is updated". Also, in the cited portion, an update on the user module is identified by the user processor and not by a delta directory: "...user processor identifies those host module blocks of information... as updated blocks". Therefore, for all of these additional reasons, claim 4 is patentably distinct from Campbell.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-10500/RDR.

Respectfully submitted,

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